

CHAPTER 14

Murphy Commission Report; June, 1975

CONGRESSIONAL ORGANIZATION AND PROCEDURES

In the previous chapter we have addressed the changing relation of the Congress to the executive in foreign affairs. The effect of our recommendations—as of the inevitable trend of events—is to place a greater burden on the Congress. But new responsibilities may require improved capabilities. We turn now, therefore, to consideration of changes in the organization and procedures of the Congress which might assist the Congress to meet its growing foreign affairs responsibilities. We begin with three aspects of the roles and functions of Congressional committees.

MODIFICATIONS OF COMMITTEE JURISDICTION

Since economic relations seem certain to constitute a growing proportion of future foreign policy, the Commission has considered at some length how to improve the ability of the Congress to consider economic questions in the light of their foreign implications. We conclude that some further adjustment in Committee jurisdictions may be helpful.

In the House we propose that the Committee on International Relations be accorded "special oversight functions" over reciprocal tariff agreements, in addition to its other responsibilities for trade policy issues.

Moreover, we believe it important that, with increasing reliance on foreign trade instead of aid, and with greater use of international financial organizations to dispense foreign aid funds:

The House Committee on International Relations should exercise concurrent legislative oversight over international financial organizations, together with the House Committee on Banking and Currency.

Two related recommendations appear in Chapter 11. One proposes that the Foreign and International Relations Committees should have some opportunity to comment on estimates of the Appropriations Committees. The other suggests that, in both Houses, those two committees should be represented on the Budget Committees.

We believe that these changes will substantially improve the ability of the House to act on foreign economic issues with a greater awareness of their implications for our relations with other countries as well as of their domestic significance.

In the Senate, Committee jurisdictions in the foreign affairs field seem more nearly satisfactory. The Senate Foreign Relations Committee has considerably broader jurisdiction than the Committee on International Relations, including "measures to foster commercial intercourse" and international financial institutions. The rules of the Senate, furthermore, provide far greater jurisdictional flexibility allowing the referral of legislation to two or more committees. However, Senate committee jurisdiction and workloads have not been systematically reviewed for nearly 20 years (the last review culminated in the Legislative Reorganization Act of 1946). And despite the heavy workloads which spread Senators far too thin, the number of subcommittees has increased since then from 34 to more than 120—many with overlapping foreign policy responsibilities. This tendency to proliferate subcommittees, the Commission believes, defeats one of the main purposes of the Legislative Reorganization Act.

Moreover, while precise congruence between House and Senate jurisdiction is not essential, recent House changes affecting foreign policy matters may suggest useful adjustments in the Senate.

From the point of view of improving Congress' ability to consider foreign policy matters efficiently and effectively, therefore, a review by the Senate of its own committee system now seems appropriate. The Commission strongly recommends such a review.

THE USE OF SUBCOMMITTEES

The Commission has noted the increased use of foreign policy subcommittees in the Congress. Subcommittees have distinct advantages over full standing committees as working units. They can respond more quickly to changing developments. Their procedures can be relatively informal, facilitating the exchange of views among Members and between Members and witnesses. They present greater opportunities for Members to develop expertise and to establish direct relationships with executive branch officials. Finally, they facilitate the holding of joint hearings, both within and among committees of the House and Senate, thus improving coordination in the Congress, and at the same time reducing the multiple demands for testimony from key executive officials.

Even in the Senate, where competing demands make it especially difficult for Members to participate fully in all the subcommittees to which they are assigned, hearings and preliminary action by even two or three interested Senators in subcommittee may be preferable to less

at the full committee level. In short, despite practical limitations, particularly in the Senate, active subcommittees can increase both the scope and depth of Congressional consideration of foreign policy matters.

The Commission therefore recommends fuller utilization of subcommittees to strengthen the basis of committee action, and to provide greater interchange with working-level executive officials at the Assistant and Under Secretary levels. It also recommends increased use of joint hearings by subcommittees to meet part of the need, expressed clearly in Congressional responses to the survey, conducted by this Commission, for better coordination of the actions of the Congress in the foreign policy field.

In view of the growing links between nations, and the growing importance of problems—like resource access, arms sales, oceans policy, food and population—which affect many states, the Commission believes that subcommittees on foreign affairs may be most useful if organized on a functional rather than a regional basis. The Commission therefore commends the experimental use of such functional subcommittees by the Committee on International Relations, and the creation of a Foreign Assistance and Economic Policy Subcommittee by the Foreign Relations Committee.

A NEW JOINT COMMITTEE

However useful the recommendations above concerning committee jurisdictions may prove, and however powerfully they may be reinforced by the proposals made below concerning committee staffs and analytic support, those recommendations leave untouched at least two major problems. One is that since political, military and economic aspects of foreign policy have become interlocked—and since many foreign and domestic policy issues undoubtedly will become so—Congress should contain some forum in which those interrelations can be directly weighed. This is particularly true in time of crisis when specialized standing committees, pressed for action, might benefit from help in appreciating how particular aspects of policy decisions relate to those being considered by other committees.

The second is that the Congress is requiring increased consultation with senior foreign policy officials of the executive branch at the same time that an increasing number of specialized committees are necessarily concerning themselves with the foreign policy aspects of their responsibilities. The result is the potential for a burdensome and unsustainable demand on senior executive officials for multiple appearances before Congress—a problem particularly severe when fast-moving events require the full and direct attention of the same officials in the conduct of policy.

Neither speed nor policy coordination can be Congress' particular strength. Nor can they be. The greatest strength of the legislative process is its unique ability to explore alternatives and to weigh and resolve widely disparate points of view. Its strength in deliberation, however, does not relieve Congress of responsibility for reasonable efficiency and coordinating capacity. Indeed, if Congress is to play the greater foreign policy role which this Commission endorses, those capacities will increasingly be demanded of it. And as the staff survey of Congressional views indicates, most Members, while regarding policy coordination primarily as the responsibility of the executive, also favor changes to improve Congress' own efficiency in the coordination process.

With these problems in mind, the Commission considered a number of proposals. It concluded that a single innovation may be materially helpful.

In the Commission's view, a Joint Committee on National Security should be established. It should perform for the Congress the kinds of policy review and coordination now performed in the executive branch by the National Security Council, and provide a central point of linkage to the President and to the officials at that Council. In addition it should take responsibility for Congressional oversight of the Intelligence Community.

We believe this Committee should serve as the initial recipient and reviewer of reports and information from the executive branch on matters of greatest urgency and sensitivity directly affecting the security of the nation. It should advise the party leaders and relevant standing committees of both Houses of Congress on appropriate legislative action in matters affecting the national security, and should assist in making available to them the full range of information and analysis needed to enable them to legislate in a prompt and comprehensive manner.

The existence and activities of such a Joint Committee should in no way substitute either for direct consultation between the President and Congressional party leaders, or for the regular legislative and investigative functions of the present standing committees in each House. Rather, it should supplement these--providing a more systematic and comprehensive exchange of information, analysis and opinion than has proved possible under the existing committee and leadership system.

For both operational and security reasons, the Joint Committee should be small--containing not more than 20 Members. It should include the leaders of the key foreign, military, and international economic policy committees from each House, and several Members-at-

Large appointed by the party leaders to represent the whole and to enhance the Committee's representativeness of the Congress as a whole.

The Commission recommends that the Joint Committee be vested with the following specific jurisdictions and authorities:

- Receipt, analysis and referral (along with any recommendations it may consider appropriate) of reports from the President under the War Powers Act.*
- Receipt and review of analytic products of the intelligence community.*
- Oversight (in conjunction with the executive branch) of the system of information classification discussed above.*
- Establishment and maintenance of facilities and procedures for storage and handling of classified information and materials supplied to the Congress.*
- Establishment of a code of conduct to govern the handling by Committee members of classified or sensitive information.*

The successful experience of the Joint Committee on Atomic Energy illustrates the usefulness of legislative authority in helping assure a Committee's effectiveness. The Commission does not recommend that the proposed Joint Committee be vested with broad authority to report proposed legislation to the House and Senate. In general, any legislative recommendations of the Joint Committee should be reported to relevant standing committees for their consideration. The Commission finds, however, two narrow and specific areas in which the Joint Committee might usefully have authority to report legislation directly to the floor of each House just as the Joint Committee on Atomic Energy is empowered to do.

We propose that the Joint Committee:

- Consider the creation of a statutory system of information classification, and (if intelligence oversight is assigned to it).*
- Be granted authority for annual authorization of funds for the intelligence community.*

The Commission believes strongly that more systematic arrangements for Congressional oversight of the intelligence community are needed on a permanent basis. It believes that such oversight should be conducted by a Joint Committee of the Congress, and preferably one capable of assessing intelligence products and activities in the context of our total foreign policy. The Commission therefore believes

the proposed Joint Committee on National Security would be the appropriate body for that task.

In the event that this Committee is not established, however, the Commission recommends that a Joint Committee on Intelligence be established to assume the task of Congressional oversight of the intelligence community.

The Commission well understands that establishing a Joint Committee on National Security, and making it function effectively, would be difficult. While the Congressional survey indicates majority support among Members for greater joint efforts in Congress, it also suggests many doubts and practical problems. The Commission has carefully considered these difficulties. It concludes, nevertheless, that the likely impact of the Joint Committee upon Congress' capacity to play a more meaningful foreign policy role fully justifies the efforts and concessions necessary to create it and to make it work.

CAPACITIES FOR EVALUATION AND REVIEW

The Commission believes that the necessity for closer supervision of foreign programs and policies is not limited to the intelligence field. Many programs outlive the circumstances which made them useful, and we expect that in the future, as the world changes at increasing rates, many more will do so. We believe, therefore, that the Congress must meet far more systematically than before its responsibilities for the evaluation and review both of major programs and of the policies on which they are based. The expanded use of time-limit and report-back provisions, discussed in the previous chapter, should contribute to that end. We offer here several additional proposals.

More Effective Use of Reports. Increased efforts should be made to consolidate, rationalize, and improve the quality and use of written reports to Congress from executive branch agencies required by law. At a minimum, we believe that:

A central Congressional repository for such reports, efficient procedures for making them available to all interested Members, and convenient means for maintaining security of classified reports, should be developed, as proposed above, by the Joint Committee on National Security.

Attaining the Promise of CRS. Equally important is the availability of supporting analytic resources to supplement committee staffs. Over the last several years Congress has substantially expanded the Congressional Research Service, strengthened the General Accounting Office, and created the Office of Technology Assessment and the Congressional Budget Office to supplement its other facilities. But this rapid

growth in research adequate research. The central problem Service has never Congress or CRS size since 1970, a research, and the systems, the relationship on both sides the freedom and Congress lacks a studies of program. The Commission no body represent authorized to providing resources, and ity concerns which

The Commission the Joint Committee performing the staff is able to provide accords high priority

The General Accounting Commission believe can usefully assist comprehensive capabilities objective review by organizations should formations as they come Congress should representatives and G programs to which tion on the work and

More Effective Use in Congressional believe, from insur sources, and relative non-governmental

The Commission formation, and Amendments of available to Congress suggest, that the of Congressional

Covert Action: A Special Problem. To this point we have addressed only the intelligence activities of the intelligence community. But, in addition to those endeavors, the community—specifically CIA—has also been responsible for another activity which poses special problems of oversight and control. This is covert action, activity abroad intended not to gather information but to influence events, an activity midway between diplomacy and war. It has taken many forms, from the financial support of friendly publications to the mounting of significant paramilitary efforts.

The Commission has considered whether covert action should any longer be authorized at all. It recognizes that there are many risks and dangers associated with covert action. Partly for these reasons the use of covert action in recent years has markedly declined.

But we must live in the world we find, not the world we might wish. Our adversaries deny themselves no forms of action which might advance their interests or undercut ours, as quite recent as well as past events demonstrate. In many parts of the world a prohibition on our use of covert action would put the U.S. and those who rely on it at a dangerous disadvantage. We conclude, therefore, that

covert action cannot be abandoned, but that it should be employed only where clearly essential to vital U.S. purposes and then only after a careful process of high level review.

The current process for approval of covert action involves the submission of proposals to the 40 Committee. The Committee approves or disapproves, and its chairman, the Assistant to the President for National Security Affairs, issues appropriate instructions. In recent years, however, as authorizations have decreased in number, the procedures of the Committee have become quite informal, and it has met infrequently.

We believe present practices are inadequate. The sensitivity and risks of covert action require appropriate review and consultation. The Committee therefore proposes that:

—Covert action should only be authorized after collective consideration of its benefits and risks by all available 40 Committee members, and that,

—Besides granting initial approvals, the 40 Committee should regularly review the continuing appropriateness of activities still being pursued.

In addition to requiring careful review within the executive branch, the Commission believes that covert action should be reported to the Joint Committee of the Congress on National Security proposed in Chapter 14. We also believe that the current requirement of law that the President personally certify to the Congress the necessity for all

covert actions (the Hughes Amendment to the Foreign Assistance Act of 1974, P.L. 93-559) is harmful in associating the head of State so formally with such activities. We propose, therefore, that:

PL 93-559 be amended to require reporting of covert actions to the proposed Joint Committee on National Security, and to omit any requirement for the personal certification of the President as to their necessity.

Supplementary Statement of Congressman William S. Broomfield

In the spirit of candor, objectivity, and tolerance of dissent that has characterized the deliberations of the Commission, I have received permission from the Chairman, the Honorable Robert D. Murphy, to have the following supplemental statement included as an annex to the Commission Report.

The submission of these remarks should not be construed as either dissent from the bulk of the Commission recommendations or as criticism of the manner in which the Commission has conducted its important business. During my association with the Commission I have consistently been impressed with the professionalism and fairness of the Chairman, the members, and the staff.

The purpose of this statement is to register my strong opposition to the Commission recommendations on "Public Diplomacy", especially as they pertain to the reorganization of United States Information Agency (USIA) and increased autonomy for the Voice of America (VOA); to underscore my strong support for the establishment of a Joint Committee to oversee intelligence activities; and to offer some comments regarding the Defense Intelligence Agency (DIA) and the military attaché system.

The Commission on the Organization of the Government for the Conduct of Foreign Policy, in Chapter 9, has endorsed the recommendations of the Stanton Panel to restructure the United States Information Agency by (a) giving greater autonomy to the Voice of America, (b) creating an Information and Cultural Agency (ICA), on the model of the Arms Control and Disarmament Agency (ACDA), to handle our "long-range" public diplomacy and (c) incorporating USIA's daily informational activities into a new State Department Office of Policy Information.

I endorse the Stanton Panel findings citing the importance of our public diplomacy effort and the substantial achievements of USIA in this field. I acknowledge that the current relationship between Cultural Affairs (in the State Department) and USIA is cumbersome and ineffective. However, I have yet to see any convincing evidence that the Stanton recommendations on the reorganization of USIA would increase the effectiveness of our informational activities overseas. I maintain that, if implemented, they might well lead to bureau-

cratic confusion and neglect of this important aspect of our diplomacy. Specifically, I could cite the following considerations:

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- There is something to be said for the continued existence of an independent agency of the United States Government concerned solely with our information policy abroad. USIA has had its problems, but by and large it has performed a difficult and thankless task in a credible, highly professional manner. If the Agency is split up and subsumed under the State Department, there is a good possibility that our informational activities overseas will receive less—rather than more—high level attention and coordination than is the case today.
- There is no good reason to assume that the Department of State could manage an expanded, world-wide information apparatus more effectively than the United States Information Agency.
- The recommendations of the Stanton Panel regarding the reorganization of USIA are opposed by various professional organizations such as the American Foreign Service Organization, the American Federation of Government Employees, and the AFL-CIO. They are also opposed by several former Directors of USIA and the VOA. The State Department has yet to comment officially on them.
- The proposed fragmentation of USIA functions would increase the problems of Congressional oversight and would, in all probability, result in increased costs to the taxpayer.
- The present logical inconsistencies in our public diplomacy effort can best be rectified by the simple expedient of transferring Cultural Affairs to the United States Information Agency and permitting the Agency to retain its present status.

I am particularly concerned with the proposal to grant increased autonomy to the Voice of America for the purpose of making it more "objective." I strongly believe that, as long as VOA is supported by the United States Government, it should reflect Government policy. The American taxpayer cannot reasonably be expected to support an "international CBS" or an American BBC.

I am concerned over what will happen in the future when it comes to public attention that the VOA is broadcasting to the world, at public expense, news and commentary contrary to U.S. policy or the convictions of many Americans. We could well face a situation in which VOA comes under strong public attack, with its very future in jeopardy.

While I would not object to an autonomous, privately financed VOA that could broadcast anything acceptable to its contributors, I will continue to oppose any move toward independence for the Voice as long as it is publicly supported and designed to serve as an instrument of American foreign policy.

Joint Committee on National Security. I support the Commission's recommendation (Chapter 14) that a Joint Committee on National Security be established, but believe responsibility for oversight of the intelligence community should be vested in a separate joint committee.

I will accordingly introduce legislation designed to establish a 14-member Joint Committee on Intelligence Oversight effective January 3, 1976. This proposal in no way obviates the need for the Joint Committee on National Security recommended by the Commission.
(HLC 8199)

Defense Intelligence Agency (DIA)/Military Attaches. During its deliberations, the Commission devoted considerable time to the status and performance of the Defense Intelligence Agency. The Commission report, however, makes no recommendations regarding DIA and its place in the intelligence community (Chapter 7). I am not convinced that DIA, as presently constituted, is either an effective or an essential element in our intelligence effort. If the Agency is to be preserved as a separate entity, serious consideration should be given to means of strengthening it and making it more effective.

I will propose that the House International Relations Subcommittee on Oversight hold hearings this year to evaluate the mandate and performance of DIA, with the objective of identifying areas in which the Agency can be strengthened and made to operate more effectively. I endorse the Commission's suggestion to upgrade the military attaché system.

Comments By Senator Mike Mansfield

With regret I must record my differences with some segments of the Report of the Commission on the Organization of the Government for the Conduct of Foreign Policy. My regret stems from several sources. I recognize how much time and attention Ambassador Robert Murphy gave to the activities which he faithfully chaired. Other members of the Commission are distinguished, busy citizens whose service in this undertaking obviously is not diminished by my disagreement with some of their decisions. My own participation in the arduous, frustrating work of editing staff-offered language necessarily had to be minimal because of my Senate duties.

My expression of personal disappointment naturally does not mean that there are not useful observations, wise comments and helpful recommendations contained in the pages of the Commission's report. On the whole, however, I fear that the ratio of effort to result has not been up to expectations. A surfeit of words masks an absence of clarity. Thin gruel is being served in a very thick bowl.

Whatever the reasons, the Commission paid little attention to the circumstances in which the legislative mandate for the Commission was created. The declared purpose was to look determinedly forward and not backward but the result is not in harmony with that purpose. In establishing the Commission, the Committee on Foreign Relations of the Senate called for an investigation of the mechanisms for the conduct of foreign policy at a time of intense confrontation between the executive and legislative branches of the U.S. Government. But the Commission seems to have interpreted its mandate largely as an invitation to conduct a sort of elaborate management study of certain Executive Departments, notably the Department of State.

Looking back to 1972, one has to remember that at that time the executive branch had sought to block every avenue to deny Congress a role in U.S. foreign policy, mainly in regard to Indochina. The so-called doctrine of Executive privilege had been invoked and extended to the point where it was offensive to representative government.*

*See the testimony of former Attorney General Kleindienst on April 10, 1973, before three Senate subcommittees, as follows:

"Senator Muskie, I am talking about 2½ million employees of the executive branch; * * *

(Continued)

efforts by Senate committees to obtain information were blocked, evaded or ignored; the White House had come to a point of virtual belligerency in its relations with the Senate Foreign Relations Committee.

One can read the several hundred pages of the Commission's report without gaining much more than an inkling of this background. That is not to imply that a partisan or institutional bias should have been the motivating force behind the Commission's work. But to ignore the atmosphere in which the Commission created represents a distortion of its purpose.

Even a cursory reading of the Commission's report is likely to impress the reader with its timidity and its paucity of substance. The Commission's mandate was to make a full and comprehensive study of all Government agencies concerned with foreign policy and to come up with recommendations which might be quite sweeping in character—including the abolition of certain "services, activities and functions not necessary to the efficient conduct of foreign policy * * *." Unfortunately, the obvious lack of any consensus among the Commissioners has meant that in the various drafts of the report it has been necessary to water down progressively every recommendation. What is left leaves much to be desired.

Perhaps most remarkable is the almost total absence—until one reaches the concluding chapters—of any consideration of the role of the Congress in foreign policy. It may be argued that there are references to the Congress scattered through the report. These often amount to little more than a passing notation that there is indeed a legislative branch of our Government. It is astonishing to discover that the first article of the Constitution of the United States seemingly has been almost overlooked in the Commission's report. It may be that the reversal of roles which has placed Article II in the preeminent position is a mere recognition of fact. If so, then the American people should be informed accordingly by this report. The entire thrust of the Commission report goes toward enshrining the preeminence of the executive branch in the conduct of foreign policy. This appears to reflect a belief that the inflated role of the Presidency should not only be continued but bolstered, notwithstanding the experiences of the last several years.

(Continued)

"Mr. Kleindienst, You do not have the power to compel me to come up here if the President directs me not to * * *

"Senator Muskie, Does that apply to every one of the employees of the Federal branch of the United States?

"Mr. Kleindienst, I think if the President directs it, logically, I would have to say that is correct." (p. 46, Vol. 1, Hearings on Executive Privilege, Secrecy in Government, Freedom of Information, before the Subcommittee on Intergovernmental Relations of the Committee on Government Operations and the Subcommittees on Separation of Powers and Administrative Practice and Procedure.

The structure of the Commission itself did little to counter the emphasis on the executive point of view. While Congressional members and appointees were named soon after the enactment of Public Law 92-352, the White House delayed its appointments process for a half-year. Moreover, far from serving as a balancing force, much of the staff talent was not used, or was diverted into "make-work" projects. Most of the material printed in the appendices apparently had almost no effect on the Commission's findings.

The Commission is made up of duly appointed members. However, on occasion, a spokesman for an absent member who, in fact, had no legal status in the Commission's study, was accorded unusual weight. This spokesman sat at the table as a quasi-alternate Commissioner, despite my relayed objections. This dubious practice had the effect of a further diminution in the consideration of the Congressional role in foreign policy.

Lack of appreciation of the role of Congress appears as early as the second page of Chapter I. An illustration is provided to underscore the supposed importance of differences in the decision-making process—and the story is both incomplete and misleading. The fact is that after the Geneva Protocol was sent to the Senate for advice and consent to ratification it was discovered that there was no clear policy on whether tear-gas and herbicides were covered, and a letter went to the President of the United States from the Chairman of the Senate Foreign Relations Committee requesting clarification. It took several years of argument before the issue was at least theoretically resolved. The renunciation of use in herbicides, in fact, did not come until well after the ending of U.S. military actions in Vietnam. It is not likely—as stated—that the decisions of the two Presidents "would have been similar."

There are typical exhortations in the Congressional report about creating a new era of cooperation between Congress and the executive branch. We have heard such language for twenty or more years. Invariably what is proposed is a one-way street. In practice, it is Congress that is expected to "see the light" and accept the executive position. Much of the discussion in Chapters 12 and 14 would not be needed if the executive branch took seriously its duty to share information and to consult fully and freely with the Congress. The pendulum has swung so far toward the executive for so long that anything like a return to a vertical position is greeted with cries of outrage from the Executive Departments. By the same token, proposals for new committees and other such devices would be seen as irrelevant if proper use were made of the existing standing committees.

This last point leads me to a discussion of the Commission's major proposal of a new "Joint Committee on National Security." (This should not be confused with the idea of a Joint Committee on Intelli-

gence—a subject to which I will return). First, the report speaks approvingly of a proliferation of subcommittees and staffs—a concept with which I entirely disagree—and then it finds that the executive branch will have problems dealing with such an increased number of power centers. So the old idea of a Joint Committee on National Security is brought out once again.

My objections to such a new committee are numerous. First, such a committee would cut across the jurisdictions and tasks assigned existing standing committees and in time inevitably would decrease their authority and powers. Second, it would become a favorite tool of the executive for centralizing Congressional oversight functions and diminishing their scope. Third, the committee would have no promise of access—quite the contrary—to NSC materials and deliberations, so it would be a one-way street. Fourth, the report anticipates that the Committee would be composed of the most senior members of Congress and would squeeze out the junior members. Fifth, it would presumably take over intelligence oversight in time, but that would not be the main function and it could easily drop out of view. Sixth, it could become a barrier to the dissemination of sensitive material to standing committees, while having little or no power itself to initiate legislation. Seventh, and not necessarily finally, giving such a committee control over report means control over information and soon over action; a "super-committee" might easily fall under executive dominance and reduce the overall authority of the Congress.

The Commission report reiterates time and time again themes like interdependence, the inter-relationships between foreign and domestic policies and the importance of economic issues. One might think these themes only recently discovered, instead of ideas we have long considered truisms. They certainly do not justify the creation of some amorphous Joint Committee on National Security.

Although the discussions of war powers, executive agreements, executive privilege and comparable topics are relatively brief, they do raise questions that require answers not yet forthcoming from the executive branch. In my view, Congress should move slowly on the issues of executive agreements and executive privilege: in the first case because before legislating we need further information, which even the State Department apparently does not possess; in the second case because I am fearful of giving the Presidency under the rubric of Congressional reform more power than the office now has under the Constitution. As for the war powers resolution, however, I believe there is every reason to press the executive vigorously on the consultation and reporting sections of the law. These have been tested several times in recent months and the executive responses have been far from adequate.

Returning to the subject of intelligence, I would strongly emphasize the fact that both the executive and legislative branches have been

inexcessably in supervising intelligence activities. But I am also disappointed with the Commission's findings in this regard. After giving a brief outline of the "intelligence community" the report goes on to make some modest suggestions which represent little if any advance over the conclusions of the Rockefeller Commission, which had a substantially more restricted mandate. Everything is accepted as given and some delicate tinkering with the machinery apparently is considered a sufficient response to the profound issues which have emerged in this connection.

It is intolerable that the public should still be burdened with a swollen, expensive and inefficient intelligence "community." Since the Defense Intelligence Agency (DIA) was established in the early 1960s to consolidate and replace the several military intelligence agencies, I recommend that the task be accomplished and the latter abolished as soon as possible. If the Service chiefs say that is impossible, then the DIA should go out of existence forthwith as an expensive redundancy.

I would also recommend that the National Security Agency (NSA), thousands of employees larger than the CIA, be dramatically reduced in size—especially so long as each of the armed services maintains its own cryptologic agency.

My belief is that the CIA, with all its blemishes, remains at the heart of our intelligence operations. A full house-cleaning must be undertaken as the facts come in (obviously some may never be known) and the agency's standing thereafter at the center of the intelligence community should be restored and strengthened. I agree that the Director of Central Intelligence (DCI) should be given enhanced control over coordinating intelligence and should have the fullest access to the President. I do not, however, agree that a White House office is needed or is desirable for that purpose—it would be far too seductive a place for the DCI. While the DCI's deputy clearly must take over more of the running of the CIA, I believe the time is long overdue to make both officials civilians. The practice of having either one a military man began a generation ago when the CIA was just beginning; it is no longer necessary or desirable especially when virtually every other intelligence component is run by military officers.

To accomplish the necessary restructuring of the so-called intelligence community I would look primarily to the Senate Select Committee on Intelligence. Thereafter, I would hope to see the creation of a Joint or Senate Committee on Intelligence, which was first proposed twenty-one years ago. Such a Committee should have the most extensive oversight powers possible, it should include members of more recent vintage in its ranks. There might very well be, moreover, a limited term of office (on the order of four to six years) for members serving on such a Committee.

Finally, on the intelligence issue, I must register my dissent from two propositions in the Commission's report. Granted there is a certain logic in renaming the CIA the Foreign Intelligence Agency, the accompanying implication that we need a "domestic intelligence agency" is distasteful and subject to misinterpretations; the frequent name changes experienced by the Soviet KGB also cause me to reject such a course. Secondly, I disagree with the Commission's views of the President's Foreign Intelligence Advisory Board (PFIAB) which has long been of dubious value as an impartial reviewing agency. It would be easier, cheaper and logical to abolish it.

With the several exceptions described briefly above, I would like to associate myself with a number of Supplementary Remarks of Commissioner Engelhard. This is especially the case with her views on the value of the Commission's effort to strengthen the departments and the cabinet, on the proper balance between State and Treasury on economic policy responsibilities, and on the cliches surrounding the phrase "multilateral diplomacy." At the same time, I would warn against stressing the importance of economic events and the need for economic "experts" to the point where they become fads.

In conclusion, I would repeat my belief that there are a number of useful ideas and observations in the Commission's report, but that they seem to me too few in volume and significance to have justified all the time, effort and money required for their production.